

Under the Paper Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/781157
		Filing Date	Feb 18, 2004
		First Named Inventor	Backes, Floyd
		Art Unit	2665
		Examiner Name	Philpott
Total Number of Pages in This Submission		Attorney Docket Number	160-030

ENCLOSURES <i>(Check all that apply)</i>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance communication to (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Noncompliant Appeal Notice
Remarks PLEASE CHARGE ANY FEE DEFICIENCY TO DEPOSIT ACCOUNT 502569		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	McGuinness & Manaras LLP		
Signature	/Holmes W. Anderson/		
Printed name	Holmes W. Anderson		
Date	September 18, 2007	Reg. No.	37272

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature	/Carol Ann Mahoney/		
Typed or printed name	Carol Ann Mahoney	Date	September 18, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

In you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Backes	
Application No.: 10/781157	Group Art Unit: 2665
Filed: 02/18/2004	
Title: Method for Selecting an Optimum Access Point in a Wireless Network	Examiner: Philpott
Attorney Docket No.: 160-030	
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	

RESPONSE TO NOTICE OF NONCOMPLIANT APPEAL BRIEF

Dear Sir:

In response to the Notice of Noncompliant Appeal Brief dated 8/21/2007, attached is the appeal brief in compliant form.

Respectfully Submitted,

September 18, 2007
Date

/Holmes W. Anderson/
Holmes W. Anderson, Reg. No. 37272
Attorney/Agent for Applicant(s)
McGuinness & Manaras LLP
125 Nagog Park
Acton, MA 01720
(978) 264-6664

Docket No. 160-030